

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 858 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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SHARDABEN LAXMISHANKER SUKLA WD/O LAXMISHANKER S SUKLA

Versus

BABUSING GULABSING BIHOLA

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Appearance:

MR BHARAT B SHAH for Petitioner

MR SANDIP C SHAH for Respondent No. 2

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CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 26/09/97

ORAL JUDGEMENT

1. Admit. Mr.Sandip C.Shah appears for respondent No.2 and waives service of admission. Respondent No.1's presence is not required. This appeal is preferred by the original claimant Shardaben Laxmishankar Shukla against the judgment and award of MACT No.6, Ahmedabad on being aggrieved by the judgment that though the tribunal has awarded the amount of Rs.34,500/- it has not awarded

any interest thereon and the appeal is being confined only to the claim of interest. As regards the quantum of compensation awarded to the claimant, the appellant-claimant has fairly not raised any dispute before this court. However, on going through the judgment of the tribunal, dated 29.10.96 the tribunal has not awarded any amount of interest on the amount of compensation. Only a sentence stated in the award is that no order is passed for interest but no reasons are assigned as to why the tribunal has thought it did not to award any interest to the aged lady of 62 years at the time of accident and 69 years when the award came to be passed. Under "no fault liability" initially the Insurance company has deposited amount of Rs.18020/which was inclusive of interest. The principal amount that was awarded towards no fault liability was Rs.12,000/- and the balance amount was the amount of interest. The Ld.counsel appearing for the appellant has been fair enough to state to the court that some amount of interest ought to have been awarded to the old lady of 69 years who has been serving from house to house and was performing the work of sweeping as ultimately she shall have to fall back upon this amount. What amount of interest should be awarded to the lady who has reached the age of 69 years ordinarily must follow the normal course of awarding of interest in the matter of this nature, but in view of the fact that while fixing no fault liability the interest was awarded in my opinion interest of justice will be met if further amount of Rs.4,000/- is directed to be deposited towards interest payable to the claimant. Claim having been confined only to the interest as no interest is awarded by the tribunal without assigning any reason whatsoever this court modifies the judgment and award of the tribunal to the extent of directing the second respondent to deposit amount of Rs.4,000/- towards interest within four weeks from today in the tribunal itself and the amount of Rs.6020/- which is wrongly deducted while ultimately computing the compensation the insurance company is directed to deposit amount of Rs.10,020/- within four weeks from today and said amount is directed to be paid to the applicant by drawing account payee cheque in her favour. In the result appeal succeeds to the aforesaid extent. No costs.

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